

Message Text

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PAGE 01 MANILA 05201 231106Z

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ACTION L-02

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R 230831Z APR 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 2564

UNCLAS MANILA 5201

E.O. 11652: NA

TAGS: CPRS

SUBJECT: CLAIM OF ELMER MADSEN

REF: STATE A-2472

1. MADSEN'S ATTORNEY, SIMON R. CRUZ, WAS CONTACTED. MR. CRUZ IS OVER 80 YEARS OLD, RETIRED FROM THE PRACTICE OF LAW, RECOVERING FROM AN OPERATION AND HAS DIFFICULTY IN GETTING AROUND.

2. ALTHOUGH MR. CRUZ RECEIVED A LETTER FROM MADSEN LAST JANUARY REQUESTING HIM TO SECURE SOME DOCUMENTS, HE HAS NOT BEEN ABLE TO PURSUE MATTER. IN FACT, HE ADMITS HE HAS DONE NOTHING ON THE MADSEN CLAIM SINCE PAYMENT OF PRINCIPAL WAS MADE BY GOP AND HAS NEVER FORMALLY REQUESTED GOP TO PAY INTEREST.

3. HE STATES THAT THERE HAS BEEN NO GOP LEGISLATION ON PAYMENT OF WWII CLAIMS, AND IT IS HIS UNDERSTANDING THAT MONEY APPROPRIATED TO PAY MADSEN'S CLAIM ALSO CONTAINED PROVISION TO PAY OTHER CLAIMS SIMILAR TO MADSEN'S BUT LIMITED TO PRINCIPAL ONLY. HOWEVER, HE WAS UNABLE TO CITE DECREE OR INSTRUCTIONS PROMULGATED. HE IS NOT AWARE OF ANY CASE IN WHICH GOP HAS PAID INTEREST OR COSTS IN

RELATION TO SUCH CLAIMS. HE ALSO STATES THAT IN ORIGINAL CLAIM BY MADSEN NO REQUEST FOR INTEREST WAS MADE, AND IT WAS ONLY IN SUBSEQUENT CORRESPONDENCE PRIOR TO PAYMENT OF CLAIM THAT MADSEN REQUESTED GOP AS MATTER
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PAGE 02 MANILA 05201 231106Z

OF JUSTICE AND EQUITY TO EITHER PAY INTEREST OR COMPUTE PRINCIPAL

ON PRESENT VALUE OF PESO.

4. COMMENT: IT IS OBVIOUS THAT MADEN'S ATTORNEY HAS
NOT ACTIVELY OR DILIGENTLY SOUGHT TO RECOVER INTEREST
IN CLAIMS. EMB BELIEVES THAT BEFORE ANY DEMARCHE IS MADE TO
GOP, MADSEN MAY WISH TO SEEK ACTIVE LEGAL REPRESENTATION.

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